

**DENIED**

Filing Fee is Waived.

Sep 29, 2017

*Kathy A. Surratt - States*  
KATHY A. SURRATT-STATES  
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re )  
 ) Case No. 15-47692  
Kale and Joni Sullinger, )  
 ) Chapter 13  
Debtor(s). )

**MOTION FOR RELIEF FROM AUTOMATIC STAY TO ENTER INTO LOAN  
MODIFICATION AGREEMENT**

**PLEASE TAKE NOTICE: ANY RESPONSIVE PLEADING IN OPPOSITION TO THIS MOTION MUST BE FILED IN WRITING NO LATER THAN 14 DAYS FROM THE DATE OF SERVICE OF THIS MOTION AS SHOWN ON THE CERTIFICATE OF SERVICE. THE CHAPTER 13 TRUSTEE SHALL FILE A RESPONSE WITHIN THAT TIME STATING WHETHER THE CHAPTER 13 TRUSTEE OPPOSES THE RELIEF SOUGHT IN THE MOTION. ANY RESPONSE MUST BE SERVED AT THE TIME OF FILING UPON THE MOVANT. THE COURT MAY GRANT THE MOTION WITHOUT FURTHER NOTICE TO ANY PARTY UPON EXPIRATION OF THE RESPONSE PERIOD IF NO RESPONSE IN OPPOSITION IS FILED. IF A RESPONSE IN OPPOSITION IS FILED, THE MOVANT SHALL SET THE MATTER FOR HEARING AND PROVIDE NOTICE THEREOF TO THE RESPONDENT. SHOULD THE RESPONSE IN OPPOSITION BE RESOLVED PRIOR TO THE HEARING, THE HEARING MAY BE CANCELED UPON NOTICE OF SUCH RESOLUTION TO THE COURT, AND THE COURT MAY GRANT THE MOTION WITHOUT FURTHER NOTICE TO ANY PARTY.**

The Debtor(s), Kale and Joni Sullinger, file(s) this Motion for Relief from Automatic Stay to Enter into Loan Modification Agreement (the "Motion"), and, in support thereof, would show the Court the following.

1. The Court has jurisdiction of this Motion pursuant to 28 U.S.C. §§ 157(a) and 1334(a) and Local Rule 9.01(B)(1) of the United States District Court for the Eastern District of Missouri. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).
2. As authorized by prior Order of this Court, the Debtor(s) have conducted negotiations with the Debtor's(s') current mortgage lender, Seterus, Inc. (the "Lender"), in an attempt to reach agreement on a modification of the loan secured by the Debtor's(s') residential real estate located at 4109 Highway B, Bland, MO 65014-2260 (the "Loan"). The Debtor(s) and the Lender have reached such an agreement to modify the Loan (the "Agreement").
3. The terms of the Agreement are as follows:

	<b>Current Mortgage Terms</b>	<b>Proposed Provisional Mortgage Terms (if applicable)</b>	<b>Proposed Mortgage Terms</b>
<b>Principal Balance</b>	\$129,383.76		\$161,345.00
<b>Delinquent Interest Owed</b>	\$18,129.68		\$0.00
<b>Escrow Advances</b>	\$5,781.17		\$0.00
<b>Interest Rate</b>	9.650 %		3.500 %
<b>Term</b>	30 years		40 years
<b>Monthly Principal/Interest</b>	\$1,157.62		\$625.04
<b>Monthly Tax/Insurance</b>	\$357.04		\$419.96

Other:

4. The Debtor(s) request that the Automatic Stay be lifted for the limited purpose of allowing the Debtor(s) and the Lender to enter into the Agreement.
5. Should the Court grant the relief sought in this Motion, the Debtor(s) and/or the Lender will immediately file any amendments of claim or Chapter 13 plan necessary to implement the Agreement.

WHEREFORE, premises considered, the Debtor(s) request that the Court grant the relief requested in this Motion and any other such relief to which the Debtor(s) may be entitled.

Respectfully Submitted,

/s/Andrew A. Westerfeld 61123MO  
1242 Jungermann Road, Suit A  
St. Peters, MO 63376  
T: 636-447-4456 F: 636-447-4472  
[andrew@wlglawfirm.com](mailto:andrew@wlglawfirm.com)

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served by being filed with the CM/ECF system this 13<sup>th</sup> day of June, 2017 to the following:

Diana Daugherty  
Chapter 13 Trustee  
P.O. Box 430908  
St. Louis, MO 63143

Jonathon Buford  
Attorney for Seterus, Inc.  
12400 Olive Blvd, Suite 555  
St. Louis, MO 63141

United States Trustee  
111 S. 10<sup>th</sup> Street, Suite 6.353  
St. Louis, MO 63102

/s/Andrew A. Westerfeld